S.B.CIVIL TRANSFER PETITION NO.47/2006

Smt. Sumitra Kanwar
vs.
Kamal Singh.

DATE OF ORDER ::: 5.1.2007

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. BK Bhatnagar, for the petitioner.
None present for the respondent.

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Office has reported that the notice received back with report that the respondent is not living at the address given since last four years whereas notice sent by registered post returned with endorsement “refused”. According to learned counsel for the petitioner, notice was sent to the respondent at the address given by the respondent in his petition no.12/2005 and according to the knowledge of the petitioner, the respondent is residing at the said address.

In view of the endorsement made on the postal envelope, service is complete as the respondent refused to accept the notice sent by the Court.

Heard learned counsel for the petitioner.

The petitioner, wife of the respondent, has moved this petition seeking transfer of the Petition No.12/2005 (Kamal Singh vs. Smt. Sumitra Kanwar) filed under Section 13 of the Hindu Marriage Act pending in the Court of District Judge, Bhilwara to Family Court, Udaipur.

According to the petitioner, she has already filed a petition under Section 125 Cr.P.C. which is pending in Family Court, Udaipur and in that, notice has been issued to the respondent. The petitioner is a young lady of 23 years of age and it is difficult for her to travel to Bhilwara from her village without changing the Bus and without help of male person. She also submitted that she has no means of livelihood.

Nobody appeared to oppose the petition and in view of the facts mentioned above, it is a fit case for transferring the petition filed by the respondent to the Family Court, Udaipur.

In view of the above, this transfer petition is allowed, the Petition No.12/2005 (Kamal Singh vs. Smt. Sumitra Kanwar) filed under Section 13 of the Hindu Marriage Act pending in the Court of District Judge,

Bhilwara is hereby withdrawn and is transferred to the Family Court, Udaipur for deciding the same in accordance with law.

(PRAKASH TATIA), J.

S.Phophaliya